

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WOODROW W. DICKERSON,	§
	§ No. 33, 2011
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Sussex County
STATE OF DELAWARE,	§ Cr. ID No. 1007009853
	§
Plaintiff Below-	§
Appellee.	§

Submitted: February 2, 2011
Decided: February 7, 2011

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

ORDER

This 7th day of February 2011, it appears to the Court that:

(1) On January 21, 2011, the Court received the appellant's notice of appeal from the Superior Court's December 8, 2010 sentencing order. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the December 8, 2010 order should have been filed on or before January 7, 2011.

(2) On January 21, 2011, the Clerk of the Court issued a notice pursuant to Rule 29(b) directing the appellant to show cause why the appeal should not be dismissed as untimely filed. The appellant filed his response to the notice to show cause on February 2, 2011. The appellant states that he

was in the Pre-Trial Building after he was sentenced and the officers in that building are not willing or able to help prisoners with their appeals. The appellant also states that his sentence is unconstitutional.

(3) Pursuant to Rule 6(a)(ii), a notice of appeal from a sentence must be filed within 30 days of the date the sentence is imposed. Time is a jurisdictional requirement.¹ A notice of appeal must be received by the Office of the Clerk within the applicable time period in order to be effective.² An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Rule 6.³ Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal may not be considered.⁴

(4) There is nothing in the record before us reflecting that the appellant's failure to file a timely notice of appeal is attributable to court-related personnel. Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. Thus, the Court concludes that the within appeal must be dismissed.

¹ *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

² Supr. Ct. R. 10(a).

³ *Carr v. State*, 554 A.2d at 779.

⁴ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice